

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-against-

ALEXANDER CHAN,

Defendant.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 2/7/2024

1:20-cr-160 (MKV)

ORDER

MARY KAY VYSKOCIL, United States District Judge:

On May 24, 2023, Defendant Alexander Chan was sentenced principally to a term of 30 months of imprisonment for his conviction, following a guilty plea, of drug adulteration and misbranding with the intent to defraud, in violation of 21 U.S.C. §§ 331 and 333(a)(2). The defendant's guidelines sentence was 36 months of imprisonment based on an offense level of 27, a criminal history category of I, and a statutory maximum sentence of three years.

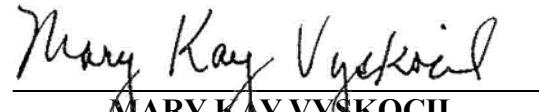
The Bureau of Prisons currently projects that the defendant will be released from prison on September 30, 2025.

Effective November 1, 2023, in its Amendment 821, the United States Sentencing Commission ("Sentencing Commission") amended the United States Sentencing Guidelines Manual in two respects. Part A amends Guidelines § 4A1.1, by reducing from two (2) points to one (1) point the upward adjustment for offenders who committed the instant offense while under any criminal sentence, and by limiting this adjustment to defendants who received seven (7) or more criminal history points. Part B, in the part relevant here, amends Guidelines § 4C1.1, by providing a 2-level offense level reduction for offenders with zero (0) criminal history points who meet specified eligibility criteria. The Sentencing Commission made these amendments retroactive effective November 1, 2023. Defendants whose requests are granted could not have been released from prison before February 1, 2024.

On December 18, 2023, the defendant filed a *pro se* motion for reduction in his sentence [ECF No. 1198]. The government has not responded. Accordingly, IT IS HEREBY ORDERED that by **February 9, 2024** the government shall file a letter stating its position on the motion for reduction of the defendant's sentence.

SO ORDERED.

Date: February 7, 2024
New York, NY



MARY KAY VYSKOCIL
United States District Judge